EVIDENCE—MALICIOUS PROSECUTION—MISLEADING INSTRUCTION—SOUTHERN CAR & FOUNDRY CO. v. ADAMS, 32 So. 503 (ALA.).—*Held,* in an action against a corporation that evidence as to defendant's financial condition for determining punitive damages is inadmissable.

The English rule seems to be that evidence of wealth and rank is admissible only in cases of breach of marriage promise. *James v. Biddington,* 6 Car. & P. 589. In this country, though there is direct conflict, the tendency is to admit such evidence more freely, as in *Pullman Pal. C. Co. v. Lawrence,* 74 Miss. 808, where questions as to assets, dividends, etc., were allowed, and *Bennett v. Hyde,* 6 Conn. 24, where recovery was increased through influence of position and wealth. In *Jones v. Jones,* 7 Ill. 562, it was held error to instruct a jury to consider defendant's pecuniary ability.

EVIDENCE—SUCCESSIVE VERDICTS CONTRARY TO.—MCCANN V. NEW YORK & I. C. R. R. CO., 76 N. Y. SUPP. 684.—Four successive juries brought in verdicts for the plaintiff. On appeal the verdicts of the first three juries were set aside as contrary to the weight of evidence. *Held,* fourth verdict will be sustained. McLaughlin and Ingraham, JJ., *dissenting.*

The court based its decision on the principle that a verdict contrary to evidence is the result of bias, passion, prejudice or mistake. *Morss v. Sherill,* 63 Barb. 21. It concluded that where four juries arrive at the same conclusion all these reasons are dissipated. The prevailing opinion, however, is that where justice has not been done, but the jury persists in finding a wrong verdict, the duty of the court is to set it aside as often as returned. *Coffin v. Phoenix Ins. Co.,* 15 Pick 291, 295; *Mullins v. Wieland,* 68 Cal. 231, and cases cited.

EXTRADITION—FUGITIVE FROM JUSTICE—PRESENCE IN DEMANDING STATE.—PEOPLE V. HYATT, 64 N. E. 325 (N. Y.).—A requisition for the extradition of a person not in the demanding State at the time of the commission of the crime of larceny and false pretences, *held,* not valid on the ground that his constructive presence did not constitute him a fugitive from justice. Haight and Werner, JJ., *dissenting.*

In *People v. Adams,* 3 Denio 190, the facts were the same as in this case, but the opposite conclusion was reached. The question has never been settled by the U. S. Supreme Court. The only case bearing upon the subject is *Cook v. Hart,* 146 U. S. 183. It was there intimated that one may commit an offense against a State upon whose soil he has never set foot. This dictum cannot be taken to determine that the offender would be a fugitive from justice. The weight of authority is clearly the other way. *State v. Hall,* 115 N. C. 811, 28 L. R. A. 289.

INJURY TO EMPLOYEE—ORDINANCES—ASSUMPTION OF RISK.—MARTIN V. CHICAGO, R. I. & P. R. CO., 91 N. W. 1034 (IOWA.).—When a brakeman enters into the employ of a railroad with the knowledge that in running through a city the speed exceeds the rate allowed by ordinance, *held,* that he assumes the risk of such increased speed, though injury arises from violation of the ordinance.

The common law rule is that an employee waives all right to damages when he continues in an employment obviously dangerous. *Greenleaf v. Railroad Co.,* 29 Iowa 14. The breach of a statute not for the protection of the employee does not give him the right to damages, if injured. *Flem-*